

### REMARKS

Applicant has carefully reviewed the Application in light of the Office Action dated March 17, 2005. Claims 1-23 are still pending. Claims 1-4, 8-10, 14-18, and 20-23 are rejected. Claims 5-7, 11-13, and 19 are objected to as being dependent upon a rejected base claim. Applicant cancelled claim 4. Applicant has amended claims 1-3, 5-7, 9, 10 and 18. Applicant submits that no new matter was added by these amendments. For the reasons provided below, Applicant submits that the pending claims are allowable over the cited references. Therefore, Applicant respectfully requests reconsideration and favorable action in this case.

#### ***Claim Rejections 35 U.S.C. § 102***

Claims 1, 4, and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,467,480 ("*Hogue*"). Applicant respectfully submits that *Hogue* fails to teach each and every limitation of the claimed invention, and thus, Applicant respectfully traverses these rejections and the assertions and holdings therein.

For example, claim 1 recites, "lowering a downhole device having a pump inlet and a fluid agitator via a well bore into fluid of a subsurface cavity formed in a subterranean zone, the fluid agitator comprises a plurality of arms that are outwardly extendable, the fluid agitator operable to be longitudinally adjusted in the subsurface cavity after the plurality of arms are extended." In particular, the downhole device includes a pump inlet. In contrast, *Hogue* merely teaches a reamer for expanding an existing well bore. Therefore, *Hogue* fails to teach or suggest "lowering a downhole device having a pump inlet and a fluid agitator via a well bore into fluid of a subsurface cavity formed in a subterranean zone." Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 USC § 102 (b) to claims 1 and its dependants.

### ***103 Claim Rejections***

Claims 1-4, 9, 10, 15, 18 and 21-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,236,320 ("*Russ*") in view of U.S. Patent No. 1,467,480 ("*Hogue*"). In addition, claims 1-3, 9, and 15-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,662,486 ("*Hillger*") in view of *Hogue*. Further, claims 1-4, 8-10, 14-18 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,378,069 ("*Fields*") in view of *Hogue*. Applicant respectfully submits that the cited art fails to teach each and every limitation of the claimed invention, and thus, Applicant respectfully traverses these rejections and the assertions and holdings therein.

For example, claim 1 recites, "lowering a downhole device having a fluid agitator via a well bore into fluid of a subsurface cavity formed in a subterranean zone, the fluid agitator comprises a plurality of arms that are outwardly extendable, the fluid agitator operable to be longitudinally adjusted in the subsurface cavity after the plurality of arms are extended." In particular, claim 1 recites, "the fluid agitator operable to be longitudinally adjusted in the subsurface cavity after the plurality of arms are extended." The cited references fail to teach or suggest longitudinally adjusting the alleged fluid agitator after extending a plurality of arms. *Russ* merely teaches flexible cutters 28 for enlarging an existing well bore. Col. 2, Lines 10-16. *Hillger* fails to teach or suggest extendable arms but merely teaches impeller 29 for generating a suction through perforations 25. Col. 2, Lines 41-45. *Fields* merely teaches an annular flange 180 for fixing a flexible agitator member 188 in place. Col. 12, Lines 43-45. Thus, *Russ*, *Hillger*, and *Fields* fail to teach that the alleged agitators are operable to be longitudinally adjusted after extending a plurality of arms. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 USC § 103(a) to claim 1 and its dependents.

Claims 9 and 18 recite an analogous, although not identical, limitation. Applicant submits that claims 9 and 18 and their dependents are allowable for reasons analogous to those discussed above in connection with claim 1. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 USC § 103(a) of claims 9 and 18 and their respective dependants.

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### CONCLUSION

For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully submits that the Application is in condition for allowance.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule the telephone conference.

Although it is believed that no fees are due at this time, the PTO is hereby authorized to charge to PTO deposit account no. 06-1050 any fees required for this filing. Please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

Date: \_\_\_\_\_

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